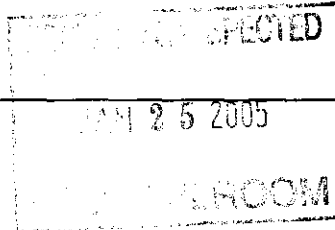




PUBLIC NOTICE

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DA 05-146

Released: January 21, 2005

CONSOLIDATED PLEADING CYCLE ESTABLISHED FOR CONNECT2 INTERNET NETWORK, INC. APPEALS OF FUND RECOVERY DECISIONS OF THE UNIVERSAL SERVICE ADMINISTRATOR

CC Docket No. 02-06

Comments Due: February 22, 2005

Reply Comments Due: March 9, 2005

The Wireline Competition Bureau seeks comment on several requests for review filed by Connect2 Internet Network, Inc. (Connect2). Connect2 appeals several decisions of the Universal Service Administrative Company (USAC) concerning the recovery of funds previously disbursed to Connect2. Specifically, Connect2 argues that: (1) a previous criminal settlement with the Department of Justice precludes USAC and the Commission from recovering additional monies; (2) Connect2 never received a copy of the audit report performed by the Commission's Office of the Inspector General (OIG) and therefore never had an opportunity to respond to the allegations set forth in the OIG audit report; (3) the amount of monies sought by USAC is inconsistent with the amounts deemed to have been erroneously disbursed by the OIG audit; and (4) the recovery amounts are *de minimus* and will require expenditures for recovery that exceed the amount sought.¹ On December 27, 2004, Connect2 filed three additional requests for review of USAC decisions related to Funding Years 1999 and 2000. In its three December 27, 2004 filings, Connect2 reiterates the arguments noted above. In addition, Connect2 seeks a waiver of the deadline for appealing USAC's decisions, arguing that Connect2 never received USAC's Commitment Adjustment Letters seeking recovery for monies disbursed in Funding Years 1999 and 2000.²

We establish a consolidated pleading cycle for all five Connect2 Petitions. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **February 22, 2005**, and reply comments on or before **March 9, 2005**. All pleadings are to reference **CC Docket No. 02-06**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

¹ See, e.g., Connect2 Internet Network, Inc., Request for Review, CC Docket No. 02-06, filed December 13, 2004, at 2.

² See, e.g., Connect2 Internet Network, Inc., Consolidated Request for Review and Petition for Waiver, CC Docket No. 02-06, December 27, 2004, at 1-2. See 47 C.F.R. § 54.720.

[<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html). Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who choose to file by paper also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II 445 12th Street, Suite CY-B402, Washington, DC 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Mark Seifert, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.